

may be funded in whole or in part by EDA Investment Assistance.

*PWEDA* means the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 *et seq.*), including the comprehensive amendments made by the Economic Development Administration Reauthorization Act of 2004 (Public Law 108-373).

*Recipient* means an entity receiving EDA Investment Assistance, including any EDA-approved successor to the entity.

*Region* or *Regional* means an economic unit of human, natural, technological, capital or other resources, defined geographically. Geographic areas comprising a Region need not be contiguous or defined by political boundaries, but should constitute a cohesive area capable of undertaking self-sustained economic development. For the limited purposes of determining economic distress levels and Investment Rates pursuant to part 301 of this chapter, a Region may also comprise a specific geographic area defined solely by its level of economic distress, as set forth in §§ 301.3(a)(2) and 301.3(a)(3) of this chapter.

*Regional Commission* means any of the following:

- (1) The Appalachian Regional Commission established under chapter 143 of title 40, United States Code;
- (2) The Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa *et seq.*);
- (3) The Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681-637 *et seq.*); or
- (4) The Northern Great Plains Regional Authority established under subtitle G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb *et seq.*).

*Special Impact Area* means a Region served by a Project for which the requirements of Section 302 of PWEDA and § 303.7 of this chapter have, upon an application filed by an Eligible Recipient pursuant to Section 214 of PWEDA and part 310 of this chapter, been waived in whole or in part by the Assistant Secretary.

*Special Need* means a circumstance or legal status arising from actual or

threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions, including:

- (1) Substantial outmigration or population loss;
- (2) Underemployment; that is, employment of workers at less than full-time or at less skilled tasks than their training or abilities permit;
- (3) Military base closures or realignments, defense contractor reductions-in-force, or U.S. Department of Energy defense-related funding reductions;
- (4) Natural or other major disasters or emergencies;
- (5) Extraordinary depletion of natural resources;
- (6) Closure or restructuring of industrial firms;
- (7) Negative effects of changing trade patterns; or
- (8) Other circumstances set forth in an FFO.

*State* means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

*Trade Act* means Title II, Chapters 3 and 5, of the Trade Act of 1974, as amended (19 U.S.C. 2341 *et seq.*).

*United States* means all of the States.

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## PART 301—ELIGIBILITY, INVESTMENT RATE AND PROPOSAL AND APPLICATION REQUIREMENTS

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AUTHORITY: 42 U.S.C. 3121; 42 U.S.C. 3141–3147; 42 U.S.C. 3149; 42 U.S.C. 3161; 42 U.S.C. 3175; 42 U.S.C. 3192; 42 U.S.C. 3194; 42 U.S.C. 3211; 42 U.S.C. 3233; Department of Commerce Delegation Order 10–4.

SOURCE: 70 FR 47019, Aug. 11, 2005, unless otherwise noted.

**Subpart A—General**

**§301.1 Overview of eligibility requirements.**

In order to receive EDA Investment Assistance, an applicant and the Project proposed by the applicant must satisfy each of the following requirements:

- (a) The applicant must be an Eligible Applicant as set forth in subpart B of this part;
- (b) The Region in which the Project will be located must meet the economic distress criteria set forth in subpart C of this part;
- (c) The sources of funding for the Project must fulfill the Investment Rate and Matching Share requirements set forth in subpart D of this part;
- (d) EDA must select the Eligible Applicant's Project and the Eligible Applicant must satisfy the formal application requirements set forth in subpart E of this part; and
- (e) The Project must meet the general requirements set forth in part 302 (General Terms and Conditions for Investment Assistance) and the specific program requirements (as applicable) set forth in part 303 (Planning Investments and Comprehensive Economic Development Strategies), part 304 (Economic Development Districts), part 305 (Public Works and Economic Development Investments), part 306 (Training, Research and Technical Assistance Investments), or part 307 (Economic Ad-

justment Assistance Investments) of this chapter.

**Subpart B—Applicant Eligibility**

**§301.2 Applicant eligibility.**

(a) An Eligible Applicant for EDA Investment Assistance is defined in §300.3 of this chapter.

(b) An Eligible Applicant that is a non-profit organization must include in its application for Investment Assistance a resolution passed by (or a letter signed by) an authorized representative of a general purpose political subdivision of a State, acknowledging that it is acting in cooperation with officials of such political subdivision. EDA may waive this cooperation requirement for certain Projects of a significant Regional or national scope under parts 306 or 307 of this chapter. *See* §§306.3(b), 306.6(b) and 307.5(b) of this chapter.

**Subpart C—Economic Distress Criteria**

**§301.3 Economic distress levels.**

(a) *Part 305 (Public Works and Economic Development Investments) and Part 307 (Economic Adjustment Assistance Investments)*. (1) Except as otherwise provided by this paragraph (a), for a Project to be eligible for Investment Assistance under parts 305 or 307 of this chapter, the Project must be located in a Region that, on the date EDA receives an application for Investment Assistance, is subject to one (or more) of the following economic distress criteria:

- (i) An unemployment rate that is, for the most recent twenty-four (24) month period for which data is available, at least one (1) percent greater than the national average unemployment rate;
- (ii) Per capita income that is, for the most recent period for which data is available, eighty (80) percent or less of the national average per capita income; or
- (iii) A Special Need, as determined by EDA.

(2) A Project located within an Economic Development District, which is located in a Region that does not meet